

NORTH-EAST DEVELOPMENT COMMISSION (ESTABLISHMENT) BILL, 2017

The North-East Development Commission Bill, 2016 was sent for assent of the President on the 12th January, 2017 after its passage by both chambers of the National Assembly. However, due to some issues that were observed subsequently, some of which border on constitutional prescriptions, the Bill was withdrawn in order to look into and resolve the issues observed. After careful examination of the issues observed, the following amendments are recommended.

The table below contains the provisions of the original Bill as submitted and the new proposed amendments for adoption. It also includes other areas as indicated for amendment to further enrich and enhance the effectiveness of the bill.

A total of Seventeen (17) items proposed for amendment to wit: Explanatory Memorandum, Arrangement of Sections – Part IV (S.13 & S.20), Long Title, Sections 2, 5, 7, 10, 12, 13, 14, 15, 16, 17, 19, 20, 25 and 26 are hereby presented for consideration for incorporation into the body of the Bill as originally passed.

The Senate and the House of Representatives are therefore enjoined to pass the recommendations as outlined below.

S/No.	Initial Proposal	Proposed Amendment/Alteration	Remarks
1.	<p>NORTH-EAST DEVELOPMENT COMMISSION (ESTABLISHMENT) ACT, 2016</p> <p>EXPLANATORY MEMORANDUM</p> <p>This Act establishes the North-East Development Commission charged with the responsibility of, among other things, receive and manage funds from allocation of the Federation account and international donors for the settlement, rehabilitation and reconstruction of roads, houses and business premises of victims of insurgency as well as tackling the menace of poverty, illiteracy level, ecological problems and any other related environmental or developmental challenges in the North-East States.</p>	<p>NORTH-EAST DEVELOPMENT COMMISSION (ESTABLISHMENT) ACT, <u>2017</u></p> <p>EXPLANATORY MEMORANDUM</p> <p>This Act establishes the North-East Development Commission charged with the responsibility of, among other things, <u>receiving</u> and <u>managing</u> funds <u>allocated by the Federal Government</u> and international donors for the settlement, rehabilitation and reconstruction of roads, houses and business premises of victims of insurgency as well as tackling <u>the</u> menace of poverty, <u>illiteracy</u>, ecological problems and any other related environmental or developmental challenges in the North-East States.</p>	Recommend the adoption of the proposed amendment
2.	<p>North-East Development Commission (Establishment) Act, 2016</p> <p>Arrangement of Sections</p> <p>Part IV – Staff of the Commission 13. Pension Reform Act, No. 4 of 2014</p>	<p>North-East Development Commission (Establishment) Act, <u>2017</u></p> <p>Arrangement of Sections</p> <p>Part IV – Staff of the Commission 13. Pension Pensionable <u>Service</u></p>	Recommend the adoption of the proposed amendments

	Part IV –Miscellaneous Provisions 20. Application of Public Officer Protection Act, Cap. P41, LFN, 2004	Part IV –Miscellaneous Provisions 20. Application of Public Officer Protection Act	
3.	<p style="text-align: center;">LONG TITLE A Bill For</p> <p>An Act to establish the North-East Development Commission Charged with the responsibility to among other things receive and manage funds from allocation of the Federation account and International donors for the resettlement, rehabilitation, Integration and reconstruction of roads, houses and business Premises of victims of insurgency and terrorism as well as tackling menace of poverty, literacy level, ecological problems and any other related environmental or developmental challenges in the North-East States; and for related matters</p>	<p style="text-align: center;">LONG TITLE A Bill For</p> <p>An Act to establish the North-East Development Commission Charged with the responsibility of among other things receiving and managing funds allocated by the Federal Government and International donors for the resettlement, rehabilitation, Integration and reconstruction of roads, houses and business Premises of victims of insurgency and terrorism as well as tackling the menace of poverty, illiteracy, ecological problems and any other related environmental or developmental challenges in the North-East States; and or related matters</p>	Recommend the adoption of the proposed amendment
4.	S. 2 (1) There is established for the Commission the Governing Board (in this Act referred to as “the Board”).	S.2 (1) There is established for the Commission <u>a</u> Governing Board (in this Act referred to as “the Board”).	Recommend the adoption of the proposed amendment
5.	<p>S. 2 (2)(d) one person each to represent the five geo-political zones of the Country -</p> <p style="margin-left: 40px;">(i) North-Central,</p> <p style="margin-left: 40px;">(ii) North-West,</p>	<p>S.2 (2)(d) one person each to represent the <u>six</u> geo-political zones of the Country -</p> <p style="margin-left: 40px;">(i) North-Central,</p> <p style="margin-left: 40px;">(ii) North-West,</p>	Recommend the adoption of the proposed amendment

	(iii) South-East, (iv) South-South, (v) South-West;	(iii) <u>North-East,</u> (iv) South-East, (v) South-South, (vi) South-West;	
6.	S. 2 (2) (e) one person to represent the – (i) Federal Ministry of Finance, and (ii) Ministry of Budget and National Planning; and	S. 2 (2) (e) one person to represent the - <u>(i) Federal Ministry responsible for Finance and</u> <u>(ii) Federal Ministry responsible for Budget and National Planning;</u>	Recommend the adoption of the proposed amendment
7.	S.2 (2) (f) the Managing Director of the Commission	S.2 (2) (f) Deleted	Recommend the adoption of the proposed amendment
8.	S. 2 (5) The Chairman and other members of the Board shall be – (a) appointed by the President, subject to confirmation by the Senate and in consultation with the House of Representatives; and	S. 2 (5) The Chairman and other members of the Board shall be - (a) appointed by the President, subject to confirmation by the Senate; and	Recommend the adoption of the proposed amendment
9.	S. 5 (2) (c) is convicted of a felony or any offence involving dishonesty; and	S. 5 (2) (c) is convicted of a felony or any offence involving dishonesty; <u>or</u>	Recommend the adoption of the

			proposed amendment
10.	S. 5 (4) Where a vacancy exists in the membership of the Board, the vacancy shall be filled by appointment of a person representing the area where the vacancy exists to complete the remainder of the term of office of the predecessor.	S. 5 (4) Where a vacancy exists in the membership of the Board, the vacancy shall be filled by appointment of a person from the same State or Zone to complete the remainder of the term of office of the predecessor.	Recommend the adoption of the proposed amendment
11.	PART II – FUNCTIONS AND POWERS OF THE COMMISSION S. 7 (1) The Commission shall – (vi) requirements for the re-orientation of youth and out of school children including modernization of schools and almajiri education, and	PART II – FUNCTIONS AND POWERS OF THE COMMISSION S. 7 (1) The commission shall - (vi) requirements for the re-orientation of youth and out of school children including modernisation of schools and almajiri education, and	Recommend the adoption of the proposed amendment
12.	S. 7 (1) (c) develop a master plan based on the needs assessment of the zone to be known as the North-East Stabilization and Development Master Plan (in this Act referred to as “the Master Plan”), which shall contain –	S. 7 (1) (c) develop a master plan based on the needs assessment of the zone to be known as the North-East Stabilisation and Development Master Plan (in this Act referred to as “the Master Plan”), which shall contain –	Recommend the adoption of the proposed amendment
13.	S. 7 (1) (e) liaise with Federal Ministries, Departments and Agencies, States and Development Partners on the implementation of all measures approved in the Master Plan for the stabilization and development of the	S. 7 (1) (e) liaise with Federal Ministries, Departments and Agencies (MDAs), States and Development Partners on the implementation of all measures approved in the Master Plan for the	Recommend the adoption of the proposed amendment

	North-East Zone by the Federal Government;	stabilisation and development of the North-East Zone by the Federal Government;	
14.	S. 7 (1) (f) subject to the approval of the Federal Government and appropriation by the National Assembly, implement programmes and schemes contained in the Master Plan but not captured by Federal Ministries, Departments and Agencies, State Governments and Development Partners;	S. 7 (1) (f) subject to appropriation by the National Assembly, implement programmes and schemes contained in the Master Plan but not captured by Federal MDAs , State Governments and Development Partners;	Recommend the adoption of the proposed amendment
15.	S. 7 (1) (h) assess and report on any project being funded or carried out in the North-East Zone by any Federal Ministry, Department and Agency or company that has an agreement with the Federal Government, and ensure that funds released for such projects are properly utilized;	S. 7 (1) (h) assess and report on any project being funded or carried out in the North-East Zone by any Federal MDA or company that has an agreement with the Federal Government, and ensure that funds released for such projects are properly utilised ;	Recommend the adoption of the proposed amendment
16.	S. 7 (1) (j) liaise with various industries and companies within the zone on all matters of pollution prevention and control, and environmental disaster management;	S. 7 (1) (j) liaise with various MDAs industries and companies within the zone on all matters of pollution prevention and control, and environmental disaster management;	Recommend the adoption of the proposed amendment
17.	S. 7 (1) (m) coordinate civil-military confidence building and stabilization measures and also activities that lie within the civil-military interface especially before, during and after military and security operations; and	S. 7 (1) (m) coordinate civil-military confidence building and stabilisation measures and also activities that lie within the civil-military interface especially before, during and after military and security operations; and	Recommend the adoption of the proposed amendment
18.	S. 7 (1) (n) act as the focal point to coordinate and harmonize all other intervention programs and initiatives that the Federal Government is involved	S. 7 (1) (n) act as the focal point to coordinate and harmonise all other intervention programmes and initiatives that the Federal Government is involved	Recommend the adoption of the proposed

	with in the North-East Zone.	with in the North-East Zone.	amendment
19.	S.10 (1) There shall be for the Commission a Management Committee which shall consist of the - (a) Managing Director and Directors responsible for the departments established under section 9 of this Act: and	S.10 (1) There shall be for the Commission a Management Committee which shall consist of the - (a) Managing Director, <u>Executive Directors</u> and Directors responsible for the Departments established under this Act; and	Recommend the adoption of the proposed amendment
20.	S. 12 (1) There shall be for the Commission, a Managing Director who shall – (d) be appointed by the President subject to confirmation by the Senate; and	S. 12 (1) There shall be for the Commission, a Managing Director who shall – (d) Deleted	Recommend the adoption of the proposed amendment
21.	PART IV – STAFF OF THE COMMISSION Marginal note to S. 13 - Pension Reform Act, No. 4 of 2014.	PART IV – STAFF OF THE COMMISSION Marginal note to S. 13 - Pensionable Service.	Recommend the adoption of the proposed amendment

22.	<p>PART V – FINANCIAL PROVISIONS</p> <p><u>Funds of the Commission</u></p> <p>S.14 (2) There shall be paid and credited to the Fund established under subsection (1) of this section –</p> <p>S.14 (2)(a) from the Federal Government, the equivalent of 15 percent of the total monthly statutory allocations due to the Member States of the Commission from the Federation Account as the contribution of the Federal Government to the Commission</p>	<p>PART V – FINANCIAL PROVISIONS</p> <p><u>Funds of the Commission</u></p> <p>S. 14(2) There shall be paid and credited to the Fund established under subsection (1) of this section –</p> <p><u>S.14(2)(a) in each financial year, a Federal Government Appropriation of not less than 10% of the total annual statutory allocations due to the Member States of the Commission from the Federation Account as the contribution of the Federal Government to the Commission;</u></p>	Recommend the adoption of the proposed amendment
23.	S.14 (2)(b) 3 percent of the total annual profit of any solid mineral extracting mining company operating in the North-East Zone., including agricultural processing companies.	S. 14 (2)(b) <u>a sum of not less than 10 percent of the Ecological Fund annually for a period of 10 years;</u>	Recommend the adoption of the proposed amendment
24.	S. 14 (2)(c) 25 percent of monies due to the Member States of the Commission from the ecological fund	S.14 (2)(c) <u>A sum equivalent to 3 percent of the annual VAT collection, as first line charge, to accrue to the Commission for a period of 10 years, notwithstanding the provisions of any other law.</u>	Recommend the adoption of the proposed amendment
25.	S. 14 (2) (g) 15% of cost of Mining Lease or Licence granted by the Federal Government for mining within the Member States;	S.14 (2) (g) <u>fees charged by the Commission</u>	Recommend the adoption of the proposed amendment

26.	S. 14 (2) (h) budgetary allocation from the Federal Government made to the Commission;	S. 14 (2) (h) Deleted	Recommend the adoption of the proposed amendment
27.	S. 14 (2) (i) royalties on mining areas in the Member States;	S. 14 (2) (i) Deleted	Recommend the adoption of the proposed amendment
28.	S. 14 (2) (j) fees charged by the Commission; and	S. 14 (2) (j) Deleted	Recommend the adoption of the proposed amendment
29.	S. 14 (2) (k) 3% of Federal Government Value Added Tax (VAT) remittance for a period of 10 years to be given to the Commission.	S. 14 (2) (k) Deleted	Recommend the adoption of the proposed amendment
30.	S. 15 (4) The Commission may borrow money from financial organizations or other institutions for the purpose of executing its mandate under this Act, subject to the approval of the Board.	S. 15 (4) The Commission may borrow money from financial <u>organisations</u> or other institutions for the purpose of executing its mandate under this Act, subject to the approval of the Board.	Recommend the adoption of the proposed amendment
31.	S. 16 (1) The Board shall, not later than 30th September in each year, submit to the President an estimate of the expenditure and income of the Commission during the next succeeding year for approval.	S. 16 (1) The Board shall, not later than <u>31st August</u> in each year, submit to the President an estimate of the expenditure and income of the Commission during the next succeeding year for approval <u>and forwarding to the National Assembly for Appropriation.</u>	Recommend the adoption of the proposed amendment

32.	S. 17 (3) The President, upon receipt of the Report referred to in subsection (1) of this section, cause a copy of the Report and the audited accounts of the Commission and the Auditor's Report thereon to be submitted to each House of the National Assembly.	S. 17 (3) The President, upon receipt of the Report referred to in subsection (1) of this section, shall cause a copy of the Report and the audited accounts of the Commission and the Auditor's Report thereon to be submitted to each House of the National Assembly.	Recommend the adoption of the proposed amendment
33.	Part VI – Miscellaneous Provisions S. 19 President Directives	Part VI – Miscellaneous Provisions S. 19 President's Directives	Recommend the adoption of the proposed amendment
34.	PART VI – MISCELLANEOUS PROVISIONS 20. Marginal note to S. 20 - Application of Public Officer Protection Act, Cap. P41, LFN, 2004	PART VI – MISCELLANEOUS PROVISIONS Marginal note to S. 20 - Application of Public Officer Protection Act.	
35.	S. 25 In this Act - “President” means the President of the Federal Republic of Nigeria; “Chairman” means the Chairman of the Board appointed under section 2 (4) (a) of this Act; “Commission” means the North-East Development Commission established under section 1 (1) of this Act;	S.25 In this Act – “Board” means the Governing Board established for the Commission under section 2(1) of this Act;” “Chairman” means the Chairman of the Board appointed under section 2 (2) (a) of this Act; “Commission” means the North-East Development Commission established under section 1 (1) of this Act;	Recommend the adoption of the proposed amendments

	<p>“Board” means the Governing Board established for the Commission under section 2(1) of this Act;”</p> <p>“Management Committee” means the Management Committee established under section 10 (1) of this Act and includes the Chairman;</p> <p>“Member States” includes Adamawa, Bauchi, Borno, Gombe, Taraba, and Yobe.</p> <p>“North East Zone” means Member States; and</p>	<p><u>“Geo Political Zones” means a group of States in the Federal Republic of Nigeria, as follows:</u></p> <p><u>(i) ‘North- Central’ comprises Benue, Kogi, Kwara, Nasarawa, Niger, Plateau States and Federal Capital Territory</u></p> <p><u>(ii) ‘North-West’ comprises Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto and Zamfara States</u></p> <p><u>(iii) ‘North-East’ comprises Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe States</u></p> <p><u>(iv) ‘South-East’ comprises Abia, Anambra, Ebonyi, Enugu and Imo States</u></p> <p><u>(v) ‘South-South’ comprises Akwa Ibom, Cross River, Bayelsa, Rivers, Delta and Edo States</u></p> <p><u>(vi) ‘South-West’ comprises Ekiti, Lagos, Ogun, Ondo, Osun and Oyo States</u></p> <p>“Management Committee” means the Management Committee established under Section 10 of this Act;</p> <p>“Member States” means Adamawa, Bauchi, Borno, Gombe, Taraba, and Yobe States.</p>	
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